

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: Baguisi et al.
SERIAL NUMBER: 10/044,006
FILING DATE: January 11, 2002
FOR: Primordial Germ Cell-Based Germ Line Production of Birds
EXAMINER: Michael C. Wilson
ART UNIT: 1632
December 16, 2004
Boston, Massachusetts

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION BY PAUL A. DITULLIO UNDER 37 C.F.R §1.132

I, Paul DiTullio, of 47 Whitney Street, Northboro, Massachusetts, declare and state as follows:

1. I am a founder and President of the named assignee, TranXenoGen Inc., 800 Boston Turnpike, Shrewsbury, Massachusetts, in the above-captioned application.
2. I received a B.S. degree in biochemistry and a M.S. degree in cell biology from the University of Vermont.
3. I have read the Office Action mailed on June 16, 2004 in connection with the above-captioned application and am familiar with the Examiner's grounds of rejection of the pending claims. Subsequent to the filing of the above-referenced patent application, avian animals produced by the claimed methods were further characterized. The data and results described herein were obtained from studies carried out by me or under my supervision.
4. Primordial germ cells (PGCs) were transfected with a transgene encoding a single chain insulin under the control of the ovalbumin promoter. Transfected PGCs were transferred into a fertilized avian recipient egg using the methods described and claimed in the above-referenced patent application. Recipient chick embryos were

allowed to hatch, develop, and mature. Sperm was collected from roosters resulting from such hatching, and the insulin portion of the transgene was detected by Polymerase chain reaction (PCR) in the sperm collected from one rooster. These data indicate that the germ cells and sperm derived from these cells contained the transgene.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by a fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date 12/16/04

Paul A DiTullio
Paul A. DiTullio